

## AN ORDINANCE **9 6 9 2 8**

**RESCINDING SIX EXISTING LICENSE AGREEMENTS WITH BAPTIST MEMORIAL HOSPITAL SYSTEM AND BAPTIST HEALTH SYSTEM FOR AN OVERHEAD PASSAGEWAY ACROSS EAST QUINCY STREET; A VEHICULAR ENTRANCEWAY ON SEYMOUR STREET; AN OVERHEAD PASSAGEWAY ACROSS RICHMOND AVENUE; A CAMDEN STREET TUNNEL; AN OVERHEAD PASSAGEWAY ACROSS CAMDEN STREET; AND AN OVERHEAD PASSAGEWAY ACROSS DALLAS STREET; AUTHORIZING THE EXECUTION OF A NEW TEN (10) YEAR LICENSE AGREEMENT WITH VHS SAN ANTONIO PARTNERS, L.P., A DELAWARE LIMITED PARTNERSHIP, FOR USE OF THE SAME LICENSED PREMISES FOR THE CONSIDERATION OF \$30,000.00, IN CONNECTION WITH THE PROPOSED PURCHASE BY SAID LIMITED PARTNERSHIP OF THE ASSETS OF THE BAPTIST HEALTH SYSTEM; AND AUTHORIZING EXECUTION OF ANY AND ALL OTHER NECESSARY DOCUMENTS, CONTINGENT UPON CONSUMMATION OF THE PURCHASE NO LATER THAN SIXTY (60) DAYS AFTER THE EFFECTIVE DATE OF THE ORDINANCE; OTHERWISE, EXISTING LICENSES WILL CONTINUE IN EFFECT.**

\* \* \* \* \*

**WHEREAS**, the City approved six license agreements with Baptist Memorial Hospital System and its successor, Baptist Health System pursuant to Ordinance No. 68353 on November 22, 1988 for an overhead passageway across East Quincy Street; Ordinance No. 89236 on February 11, 1999 for a vehicular entranceway on Seymour Street; Ordinance No. 93889 on May 10, 2001 for an overhead passageway across Richmond Avenue; Ordinance No. 93890 on May 10, 2001 for a Camden Street tunnel; Ordinance No. 94759 on October 25, 2001 for an overhead passageway across Camden Street; and Ordinance No. 95173 on January 17, 2002 for an overhead passageway across Dallas Street; and

**WHEREAS**, VHS San Antonio Partners, L. P. a Delaware Limited Partnership (VHS), is in the process of purchasing the assets of the Baptist Health System, thus it is necessary for the City to rescind the six existing license agreements and authorize execution of a new 10-year License Agreement with VHS for use of the above described Public Rights of Way for the consideration of \$30,000.00, contingent upon consummation of the purchase no later than sixty (60) days after the effective date of this ordinance; and

**WHEREAS**, this action is consistent with the City of San Antonio Code and Ordinances which require City Council approval for any private use of property owned or controlled by the City; **NOW THEREFORE**;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO**:

**SECTION 1.** Six license agreements with Baptist Memorial Hospital System and its successor, Baptist Health System for an overhead passageway across East Quincy Street; a vehicular entranceway on Seymour Street; an overhead passageway across Richmond Avenue; a Camden Street tunnel; an overhead passageway across Camden Street; and an overhead passageway across Dallas Street (collectively "Licensed Premises"), as approved by the ordinances referenced above, are hereby rescinded subject to conditions set out in **SECTION 2.** below.

**SECTION 2.** The City Manager, or her designee, is hereby authorized to execute a ten year License Agreement appearing in substantially the same form as Attachment I affixed hereto and incorporated herein for all purposes, with VHS San Antonio Partners, L. P. a Delaware Limited Partnership ("VHS"), as Licensee, covering the same Licensed Premises referenced in **SECTION 1.** for the consideration of \$30,000.00 ("License Fee"), contingent upon consummation ("closing") of the purchase by VHS of the assets of the Baptist Health System and receipt by the City from VHS of the License Fee no later than sixty (60) days after the effective date of this Ordinance, otherwise the License Agreement approved hereunder shall be of no further force or effect, and the existing license agreements referenced in **SECTION 1.** shall continue in full force and effect. The City has agreed that the License Fee may be paid by the Licensee by depositing with First American Title Insurance Company such Fee together with instructions to remit the Fee to the City upon such closing.

**SECTION 3.** The City Manager, or her designee, is hereby authorized to execute any and all other necessary documents, as first reviewed and approved by the City Attorney, in connection with the sale.

**SECTION 4.** The proceeds of the agreement shall be deposited into Fund No. 11-000 entitled "General Fund," Index-78993 Code 012732, entitled "License Agreements- Use of ROW."

**SECTION 5.** The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

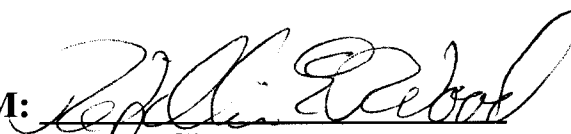
**SECTION 6.** This ordinance shall be effective on December 29, 2002.

**PASSED AND APPROVED** this 19<sup>th</sup> day of December, 2002.



M A Y O R  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney